

111TH CONGRESS
1ST SESSION

H. R. 3360

To amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2009

Ms. MATSUI introduced the following bill; which was referred to the
Committee on Transportation and Infrastructure

A BILL

To amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Cruise Vessel Security and Safety Act of 2009”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Cruise vessel security and safety requirements.

Sec. 4. Study and report on the security needs of passenger vessels.

1 **SEC. 2. FINDINGS.**

2 The Congress makes the following findings:

3 (1) There are approximately 200 overnight
4 ocean-going cruise vessels worldwide. The average
5 ocean-going cruise vessel carries 2,000 passengers
6 with a crew of 950 people.

7 (2) In 2007 alone, approximately 12,000,000
8 passengers were projected to take a cruise world-
9 wide.

10 (3) Passengers on cruise vessels have an inad-
11 equate appreciation of their potential vulnerability to
12 crime while on ocean voyages, and those who may be
13 victimized lack the information they need to under-
14 stand their legal rights or to know whom to contact
15 for help in the immediate aftermath of the crime.

16 (4) Sexual violence, the disappearance of pas-
17 sengers from vessels on the high seas, and other se-
18 rious crimes have occurred during luxury cruises.

19 (5) Over the last 5 years, sexual assault and
20 physical assaults on cruise vessels were the leading
21 crimes investigated by the Federal Bureau of Inves-
22 tigation with regard to cruise vessel incidents.

23 (6) These crimes at sea can involve attacks
24 both by passengers and crew members on other pas-
25 sengers and crew members.

1 (7) Except for United States flagged vessels, or
2 foreign flagged vessels operating in an area subject
3 to the direct jurisdiction of the United States, there
4 are no Federal statutes or regulations that explicitly
5 require cruise lines to report alleged crimes to
6 United States Government officials.

7 (8) It is not known precisely how often crimes
8 occur on cruise vessels or exactly how many people
9 have disappeared during ocean voyages because
10 cruise line companies do not make comprehensive,
11 crime-related data readily available to the public.

12 (9) Obtaining reliable crime-related cruise data
13 from governmental sources can be difficult, because
14 multiple countries may be involved when a crime oc-
15 curs on the high seas, including the flag country for
16 the vessel, the country of citizenship of particular
17 passengers, and any countries having special or mar-
18 itime jurisdiction.

19 (10) It can be difficult for professional crime
20 investigators to immediately secure an alleged crime
21 scene on a cruise vessel, recover evidence of an on-
22 board offense, and identify or interview potential
23 witnesses to the alleged crime.

24 (11) Most cruise vessels that operate into and
25 out of United States ports are registered under the

1 laws of another country, and investigations and
2 prosecutions of crimes against passengers and crew
3 members may involve the laws and authorities of
4 multiple nations.

5 (12) The Coast Guard has found it necessary to
6 establish 500-yard security zones around cruise ves-
7 sels to limit the risk of terrorist attack. Recently pi-
8 racy has dramatically increased throughout the
9 world.

10 (13) To enhance the safety of cruise pas-
11 sengers, the owners of cruise vessels could upgrade,
12 modernize, and retrofit the safety and security infra-
13 structure on such vessels by installing peep holes in
14 passenger room doors, installing security video cam-
15 eras in targeted areas, limiting access to passenger
16 rooms to select staff during specific times, and in-
17 stalling acoustic hailing and warning devices capable
18 of communicating over distances.

19 **SEC. 3. CRUISE VESSEL SECURITY AND SAFETY REQUIRE-**
20 **MENTS.**

21 (a) IN GENERAL.—Chapter 35 of title 46, United
22 States Code, is amended by adding at the end the fol-
23 lowing:

1 **“§ 3507. Passenger vessel security and safety require-**
2 **ments**

3 “(a) VESSEL DESIGN, EQUIPMENT, CONSTRUCTION,
4 AND RETROFITTING REQUIREMENTS.—

5 “(1) IN GENERAL.—Each vessel to which this
6 subsection applies shall comply with the following
7 design and construction standards:

8 “(A) The vessel shall be equipped with
9 ship rails that are located not less than 42
10 inches above the cabin deck.

11 “(B) Each passenger stateroom and crew
12 cabin shall be equipped with entry doors that
13 include peep holes or other means of visual
14 identification.

15 “(C) For any vessel the keel of which is
16 laid after the date of enactment of the Cruise
17 Vessel Security and Safety Act of 2009, each
18 passenger stateroom and crew cabin shall be
19 equipped with—

20 “(i) security latches; and

21 “(ii) time-sensitive key technology.

22 “(D) The vessel shall integrate technology
23 that can be used for capturing images of pas-
24 sengers or detecting passengers who have fallen
25 overboard, to the extent that such technology is
26 available.

1 “(E) The vessel shall be equipped with a
2 sufficient number of operable acoustic hailing
3 or other such warning devices to provide com-
4 munication capability around the entire vessel
5 when operating in high risk areas (as defined
6 by the United States Coast Guard).

7 “(2) FIRE SAFETY CODES.—In administering
8 the requirements of paragraph (1)(C), the Secretary
9 shall take into consideration fire safety and other
10 applicable emergency requirements established by
11 the U.S. Coast Guard and under international law,
12 as appropriate.

13 “(3) EFFECTIVE DATE.—

14 “(A) IN GENERAL.—Except as provided in
15 subparagraph (B), the requirements of para-
16 graph (1) shall take effect 18 months after the
17 date of enactment of the Cruise Vessel Security
18 and Safety Act of 2009.

19 “(B) LATCH AND KEY REQUIREMENTS.—
20 The requirements of paragraph (1)(C) take ef-
21 fect on the date of enactment of the Cruise Ves-
22 sel Security and Safety Act of 2009.

23 “(b) VIDEO RECORDING.—

24 “(1) REQUIREMENT TO MAINTAIN SURVEIL-
25 LANCE.—The owner of a vessel to which this section

1 applies shall maintain a video surveillance system to
2 assist in documenting crimes on the vessel and in
3 providing evidence for the prosecution of such
4 crimes, as determined by the Secretary.

5 “(2) ACCESS TO VIDEO RECORDS.—The owner
6 of a vessel to which this section applies shall provide
7 to any law enforcement official performing official
8 duties in the course and scope of an investigation,
9 upon request, a copy of all records of video surveil-
10 lance that the official believes may provide evidence
11 of a crime reported to law enforcement officials.

12 “(c) SAFETY INFORMATION.—The owner of a vessel
13 to which this section applies shall provide in each pas-
14 senger stateroom, and post in a location readily accessible
15 to all crew and in other places specified by the Secretary,
16 information regarding the locations of the United States
17 embassy and each consulate of the United States for each
18 country the vessel will visit during the course of the voy-
19 age.

20 “(d) SEXUAL ASSAULT.—The owner of a vessel to
21 which this section applies shall—

22 “(1) maintain on the vessel adequate, in-date
23 supplies of anti-retroviral medications and other
24 medications designed to prevent sexually transmitted
25 diseases after a sexual assault;

1 “(2) maintain on the vessel equipment and ma-
2 terials for performing a medical examination in sex-
3 ual assault cases to evaluate the patient for trauma,
4 provide medical care, and preserve relevant medical
5 evidence;

6 “(3) make available on the vessel at all times
7 medical staff who have undergone a credentialing
8 process to verify that he or she—

9 “(A) possesses a current physician’s or
10 registered nurse’s license and—

11 “(i) has at least 3 years of post-grad-
12 uate or post-registration clinical practice in
13 general and emergency medicine; or

14 “(ii) holds board certification in emer-
15 gency medicine, family practice medicine,
16 or internal medicine;

17 “(B) is able to provide assistance in the
18 event of an alleged sexual assault, has received
19 training in conducting forensic sexual assault
20 examination, and is able to promptly perform
21 such an examination upon request and provide
22 proper medical treatment of a victim, including
23 administration of anti-retroviral medications
24 and other medications that may prevent the

1 transmission of human immunodeficiency virus
2 and other sexually transmitted diseases; and

3 “(C) meets guidelines established by the
4 American College of Emergency Physicians re-
5 lating to the treatment and care of victims of
6 sexual assault;

7 “(4) prepare, provide to the patient, and main-
8 tain written documentation of the findings of such
9 examination that is signed by the patient; and

10 “(5) provide the patient free and immediate ac-
11 cess to—

12 “(A) contact information for local law en-
13 forcement, the Federal Bureau of Investigation,
14 the United States Coast Guard, the nearest
15 United States consulate or embassy, and the
16 National Sexual Assault Hotline program or
17 other third party victim advocacy hotline serv-
18 ice; and

19 “(B) a private telephone line and Internet-
20 accessible computer terminal by which the indi-
21 vidual may confidentially access law enforce-
22 ment officials, an attorney, and the information
23 and support services available through the Na-
24 tional Sexual Assault Hotline program or other
25 third party victim advocacy hotline service.

1 “(e) CONFIDENTIALITY OF SEXUAL ASSAULT EXAM-
2 INATION AND SUPPORT INFORMATION.—The master or
3 other individual in charge of a vessel to which this section
4 applies shall—

5 “(1) treat all information concerning an exam-
6 ination under subsection (d) confidential, so that no
7 medical information may be released to the cruise
8 line or other owner of the vessel or any legal rep-
9 resentative thereof without the prior knowledge and
10 approval in writing of the patient, or, if the patient
11 is unable to provide written authorization, the pa-
12 tient’s next-of-kin, except that nothing in this para-
13 graph prohibits the release of—

14 “(A) information, other than medical find-
15 ings, necessary for the owner or master of the
16 vessel to comply with the provisions of sub-
17 section (g) or other applicable incident report-
18 ing laws;

19 “(B) information to secure the safety of
20 passengers or crew on board the vessel; or

21 “(C) any information to law enforcement
22 officials performing official duties in the course
23 and scope of an investigation; and

24 “(2) treat any information derived from, or ob-
25 tained in connection with, post-assault counseling or

1 other supportive services confidential, so no such in-
2 formation may be released to the cruise line or any
3 legal representative thereof without the prior knowl-
4 edge and approval in writing of the patient, or, if
5 the patient is unable to provide written authoriza-
6 tion, the patient's next-of-kin.

7 “(f) CREW ACCESS TO PASSENGER STATEROOMS.—

8 The owner of a vessel to which this section applies shall—

9 “(1) establish and implement procedures and
10 restrictions concerning—

11 “(A) which crew members have access to
12 passenger staterooms; and

13 “(B) the periods during which they have
14 that access; and

15 “(2) ensure that the procedures and restrictions
16 are fully and properly implemented and periodically
17 reviewed.

18 “(g) LOG BOOK AND REPORTING REQUIREMENTS.—

19 “(1) IN GENERAL.—The owner of a vessel to
20 which this section applies shall—

21 “(A) record in a log book, either electroni-
22 cally or otherwise, in a centralized location
23 readily accessible to law enforcement personnel,
24 a report on—

1 “(i) all complaints of crimes described
2 in paragraph (3)(A)(i),

3 “(ii) all complaints of theft of prop-
4 erty valued in excess of \$1,000, and

5 “(iii) all complaints of other crimes,
6 committed on any voyage that embarks or dis-
7 embarks passengers in the United States; and
8 “(B) make such log book available upon
9 request to any agent of the Federal Bureau of
10 Investigation, any member of the United States
11 Coast Guard, and any law enforcement officer
12 performing official duties in the course and
13 scope of an investigation.

14 “(2) DETAILS REQUIRED.—The information re-
15 corded under paragraph (1) shall include, at a min-
16 imum—

17 “(A) the vessel operator;

18 “(B) the name of the cruise line;

19 “(C) the flag under which the vessel was
20 operating at the time the reported incident oc-
21 curred;

22 “(D) the age and gender of the victim and
23 the accused assailant;

24 “(E) the nature of the alleged crime or
25 complaint, as applicable, including whether the

1 alleged perpetrator was a passenger or a crew
2 member;

3 “(F) the vessel’s position at the time of the
4 incident, if known, or the position of the vessel
5 at the time of the initial report;

6 “(G) the time, date, and method of the ini-
7 tial report and the law enforcement authority to
8 which the initial report was made;

9 “(H) the time and date the incident oc-
10 curred, if known;

11 “(I) the total number of passengers and
12 the total number of crew members on the voy-
13 age; and

14 “(J) the case number or other identifier
15 provided by the law enforcement authority to
16 which the initial report was made.

17 “(3) REQUIREMENT TO REPORT CRIMES AND
18 OTHER INFORMATION.—

19 “(A) IN GENERAL.—The owner of a vessel
20 to which this section applies (or the owner’s
21 designee)—

22 “(i) shall contact the nearest Federal
23 Bureau of Investigation Field Office or
24 Legal Attache by telephone as soon as pos-
25 sible after the occurrence on board the ves-

1 sel of an incident involving homicide, sus-
2 picious death, a missing United States na-
3 tional, kidnapping, assault with serious
4 bodily injury, any offense to which section
5 2241, 2242, 2243, or 2244 (a) or (c) of
6 title 18 applies, firing or tampering with
7 the vessel, or theft of money or property in
8 excess of \$10,000 to report the incident;

9 “(ii) shall furnish a written report of
10 the incident to the Secretary via an Inter-
11 net based portal;

12 “(iii) may report any serious incident
13 that does not meet the reporting require-
14 ments of clause (i) and that does not re-
15 quire immediate attention by the Federal
16 Bureau of Investigation via the Internet
17 based portal maintained by the Secretary
18 of Transportation; and

19 “(iv) may report any other criminal
20 incident involving passengers or crew mem-
21 bers, or both, to the proper State or local
22 government law enforcement authority.

23 “(B) INCIDENTS TO WHICH SUBPARA-
24 GRAPH (A) APPLIES.—Subparagraph (A) ap-

plies to an incident involving criminal activity
if—

“(i) the vessel, regardless of registry,
is owned, in whole or in part, by a United
States person, regardless of the nationality
of the victim or perpetrator, and the inci-
dent occurs when the vessel is within the
admiralty and maritime jurisdiction of the
United States and outside the jurisdiction
of any State;

“(ii) the incident concerns an offense
by or against a United States national
committed outside the jurisdiction of any
nation;

“(iii) the incident occurs in the Terri-
torial Sea of the United States, regardless
of the nationality of the vessel, the victim,
or the perpetrator; or

“(iv) the incident concerns a victim or
perpetrator who is a United States na-
tional on a vessel during a voyage that de-
parted from or will arrive at a United
States port.

“(4) AVAILABILITY OF INCIDENT DATA VIA
INTERNET.—

1 “(A) WEBSITE.—The Secretary of Trans-
2 portation shall maintain a statistical compila-
3 tion of all incidents described in paragraph
4 (3)(A)(i) on an Internet site that provides a nu-
5 merical accounting of the missing persons and
6 alleged crimes recorded in each report filed
7 under paragraph (3)(A)(i) that are no longer
8 under investigation by the Federal Bureau of
9 Investigation. The data shall be updated no less
10 frequently than quarterly, aggregated by—

11 “(i) cruise line, with each cruise line
12 identified by name; and

13 “(ii) whether each crime was com-
14 mitted by a passenger or a crew member.

15 “(B) ACCESS TO WEBSITE.—Each cruise
16 line taking on or discharging passengers in the
17 United States shall include a link on its Inter-
18 net website to the website maintained by the
19 Secretary under subparagraph (A).

20 “(h) ENFORCEMENT.—

21 “(1) PENALTIES.—

22 “(A) CIVIL PENALTY.—Any person that
23 violates this section or a regulation under this
24 section shall be liable for a civil penalty of not
25 more than \$25,000 for each day during which

1 the violation continues, except that the max-
2 imum penalty for a continuing violation is
3 \$50,000.

4 “(B) CRIMINAL PENALTY.—Any person
5 that willfully violates this section or a regula-
6 tion under this section shall be fined not more
7 than \$250,000 or imprisoned not more than 1
8 year, or both.

9 “(2) DENIAL OF ENTRY.—The Secretary may
10 deny entry into the United States to a vessel to
11 which this section applies if the owner of the ves-
12 sel—

13 “(A) commits an act or omission for which
14 a penalty may be imposed under this sub-
15 section; or

16 “(B) fails to pay a penalty imposed on the
17 owner under this subsection.

18 “(i) PROCEDURES.—Within 6 months after the date
19 of enactment of the Cruise Vessel Security and Safety Act
20 of 2009, the Secretary shall issue guidelines, training cur-
21 ricula, and inspection and certification procedures nec-
22 essary to carry out the requirements of this section.

23 “(j) REGULATIONS.—The Secretary of Transpor-
24 tation and the Commandant shall each issue such regula-
25 tions as are necessary to implement this section.

1 “(k) APPLICATION.—

2 “(1) IN GENERAL.—This section and section
3 3508 apply to a passenger vessel (as defined in sec-
4 tion 2101(22)) that—

5 “(A) is authorized to carry at least 250
6 passengers;

7 “(B) has onboard sleeping facilities for
8 each passenger;

9 “(C) is on a voyage that embarks or dis-
10 embarks passengers in the United States; and

11 “(D) is not engaged on a coastwise voyage.

12 “(2) FEDERAL AND STATE VESSELS.—This sec-
13 tion and section 3508 do not apply to a vessel that
14 is owned and operated by the United States Govern-
15 ment or a vessel that is owned and operated by a
16 State.

17 “(l) OWNER DEFINED.—In this section and section
18 3508, the term ‘owner’ means the owner, charterer, man-
19 aging operator, master, or other individual in charge of
20 a vessel.

21 **“§ 3508. Crime scene preservation training for pas-**
22 **senger vessel crew members**

23 “(a) IN GENERAL.—Within 1 year after the date of
24 enactment of the Cruise Vessel Security and Safety Act
25 of 2009, the Secretary, in consultation with the Director

1 of the Federal Bureau of Investigation and the Maritime
2 Administrator, shall develop training standards and cur-
3 ricula to allow for the certification of passenger vessel se-
4 curity personnel, crew members, and law enforcement offi-
5 cials on the appropriate methods for prevention, detection,
6 evidence preservation, and reporting of criminal activities
7 in the international maritime environment. The Adminis-
8 trator of the Maritime Administration may certify organi-
9 zations in the United States and abroad that offer the cur-
10 riculum for training and certification under subsection (c).

11 “(b) MINIMUM STANDARDS.—The standards estab-
12 lished by the Secretary under subsection (a) shall in-
13 clude—

14 “(1) the training and certification of vessel se-
15 curity personnel, crew members, and law enforce-
16 ment officials in accordance with accepted law en-
17 forcement and security guidelines, policies, and pro-
18 cedures, including recommendations for incor-
19 porating a background check process for personnel
20 trained and certified in foreign countries;

21 “(2) the training of students and instructors in
22 all aspects of prevention, detection, evidence preser-
23 vation, and reporting of criminal activities in the
24 international maritime environment; and

1 “(3) the provision or recognition of off-site
2 training and certification courses in the United
3 States and foreign countries to develop and provide
4 the required training and certification described in
5 subsection (a) and to enhance security awareness
6 and security practices related to the preservation of
7 evidence in response to crimes on board passenger
8 vessels.

9 “(c) CERTIFICATION REQUIREMENT.—Beginning 2
10 years after the standards are established under subsection
11 (b), no vessel to which this section applies may enter a
12 United States port on a voyage (or voyage segment) on
13 which a United States citizen is a passenger unless there
14 is at least 1 crew member onboard who is certified as hav-
15 ing successfully completed training in the prevention, de-
16 tection, evidence preservation, and reporting of criminal
17 activities in the international maritime environment on
18 passenger vessels under subsection (a).

19 “(d) INTERIM TRAINING REQUIREMENT.—No vessel
20 to which this section applies may enter a United States
21 port on a voyage (or voyage segment) on which a United
22 States citizen is a passenger unless there is at least 1 crew
23 member onboard who has been properly trained in the pre-
24 vention, detection, evidence preservation and the reporting
25 requirements of criminal activities in the international

1 maritime environment. The owner of such a vessel shall
 2 maintain certification or other documentation, as pre-
 3 scribed by the Secretary, verifying the training of such in-
 4 dividual and provide such documentation upon request for
 5 inspection in connection with enforcement of the provi-
 6 sions of this section. This subsection shall take effect 1
 7 year after the date of enactment of the Cruise Vessel Safe-
 8 ty and Security Act of 2009 and shall remain in effect
 9 until superseded by the requirements of subsection (c).

10 “(e) CIVIL PENALTY.—Any person that violates this
 11 section or a regulation under this section shall be liable
 12 for a civil penalty of not more than \$50,000.

13 “(f) DENIAL OF ENTRY.—The Secretary may deny
 14 entry into the United States to a vessel to which this sec-
 15 tion applies if the owner of the vessel—

16 “(1) commits an act or omission for which a
 17 penalty may be imposed under subsection (e); or

18 “(2) fails to pay a penalty imposed on the
 19 owner under subsection (e).”.

20 (b) CLERICAL AMENDMENT.—The table of contents
 21 for such chapter is amended by adding at the end the fol-
 22 lowing:

“3507. Passenger vessel security and safety requirements.

“3508. Crime scene preservation training for passenger vessel crew members.”.

1 **SEC. 4. STUDY AND REPORT ON THE SECURITY NEEDS OF**
2 **PASSENGER VESSELS.**

3 (a) IN GENERAL.—Within 3 months after the date
4 of enactment of this Act, the Secretary of the department
5 in which the United States Coast Guard is operating shall
6 conduct a study of the security needs of passenger vessels
7 depending on number of passengers on the vessels, and
8 report to the Congress findings of the study and rec-
9 ommendations for improving security on those vessels.

10 (b) REPORT CONTENTS.—In recommending appro-
11 priate security on those vessels, the report shall take into
12 account typical crew member shifts, working conditions of
13 crew members, and length of voyages.

○